IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 11633 of 2004

Between:

Quddus, S/o. Khaleel Ahmed,
% AAE (Operation), A.P. Northern Power Distribution Company Limited,
Jakaranpalli, Nizamabad District.

..... PETITIONER

AND

1 A.P. Northern Power Distribution Company Limited, Nizamabad,
Rep. by its Superintending Engineer.
2 The Divisional Engineer (Electrical/Operation), A.P. Northern Power Distribution Company Limited,
Armoor, Nizamabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction, especially one in the nature of Writ of Mandamus:- (i) declaring Memo. NO. DEE/OP/ARR/Adm/C2/DNo.139/04 dated 13-5-2004 and consequential Memo No. DEE/OP/Adm.C1/D.No.338/04 dated 20-6-2004, issued by the second Respondent, as illegal and arbitrary; (ii)Consequently, direct the respondents to consider the entire evidence on record, duly furnishing all the records, referred to in Memo No.DEE/OP/ARR/Adm/C2/DNo.139/04 dated 13-5-2004, before proceedings further in the matter.

Counsel for the Petitioner:MR.K.VASUDEVA REDDY

Counsel for the Respondent Nos.1 and 2: MR.S.RAVINDRANATH

The Court at the stage of admission made the following ORDER:

Questioning the show cause notices dated 13-05-2004 and also 20-06-2004 issued by the second respondent, the petitioner preferred the present writ petition.

The allegation against the petitioner is that by impersonation, he got a job in the department, for which, a departmental enquiry was conducted and witnesses were examined. Basing on the enquiry report, impugned show cause notices were issued to the petitioner. Normally, this Court will not interfere with the impugned show cause notices unless the person who issued the show cause notices has no jurisdiction at all. Admittedly, in this case, the person who issued the impugned show cause notices is having jurisdiction and he is the Disciplinary Authority. So, it is for the Disciplinary Authority to take appropriate decision basing on the admissible evidence available on record and pass appropriate orders. Therefore, there are no grounds to interfere with the impugned show cause notices. However, the respondents are directed to take appropriate decision basing on the material available on record and pass appropriate orders. However, this order will not preclude the petitioner to raise any other ground as per the procedure.

With the above directions, the writ petition is disposed of. In the circumstances, no costs.

9th JULY, 2004.

Note: furnish copy in two days.

B/o

kvni

To

1 The Superintending Engineer,A.P. Northern Power Distribution Company Limited, Nizamabad.
2 The Divisional Engineer (Electrical/Operation), A.P. Northern Power Distribution Company Limited,
Armoor, Nizamabad.
3 Two CD copies.